CITY OF WICHITA

FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

July 15, 2005

Michael & Jo Ann E Frye
100 S Evergreen
Wichita, KS 67209

**RE: CON2005-00017 – Conditional Use for an accessory apartment on property zoned "SF-5" Single-family Residential. Generally located at Maple and Tyler Road. (100 S. Evergreen Lane). District V**

Dear Ladies and Gentlemen:

At its regular meeting on June 9, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

If you have any questions concerning this case please contact our office at 268-4421.

Sincerely,

Jess McNeely, Associate Planner
Current Plans Division

JMC/rms

Cc: Bob Martz, City Council, District V Mailstop 1-13
Kurt Schroeder, OCI, Mail Stop 1-72
J. R. Cox, OCI, Mail Stop 1-72
Randy Sparkman, OCI, Mail Stop 1-72
Paul Hays, OCI, Mail Stop 1-72

Adopted this 9th DAY of JUNE, 2005. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION

Morris K. Dunlap, Chair MAPC

ATTEST:

John L. Schlegel, Secretary

# CONDITIONAL USE RESOLUTION NO. CON2005-00017

**WHEREAS**, Michael and Jo Ann Frye (Owner/Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for accessory apartment on 1.2 acres zoned "SF-5" Single-family Residential described as:

> Lot Twelve (12), Evergreen Place Addition, Wichita, Sedgwick County, Kansas. Generally located north of Maple and east of Tyler.

**WHEREAS**, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

**WHEREAS**, the MAPC did, at the meeting of June 9, 2005, consider said application; and

**WHEREAS**, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

**NOW, THEREFORE, BE IT RESOLVED** by the Metropolitan Area Planning Commission that this application be approved for accessory apartment on 1.2 acres zoned "SF-5" Single-family Residential described as:

> Lot Twelve (12), Evergreen Place Addition, Wichita, Sedgwick County, Kansas. Generally located north of Maple and east of Tyler.

APPROVED, subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.

2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.

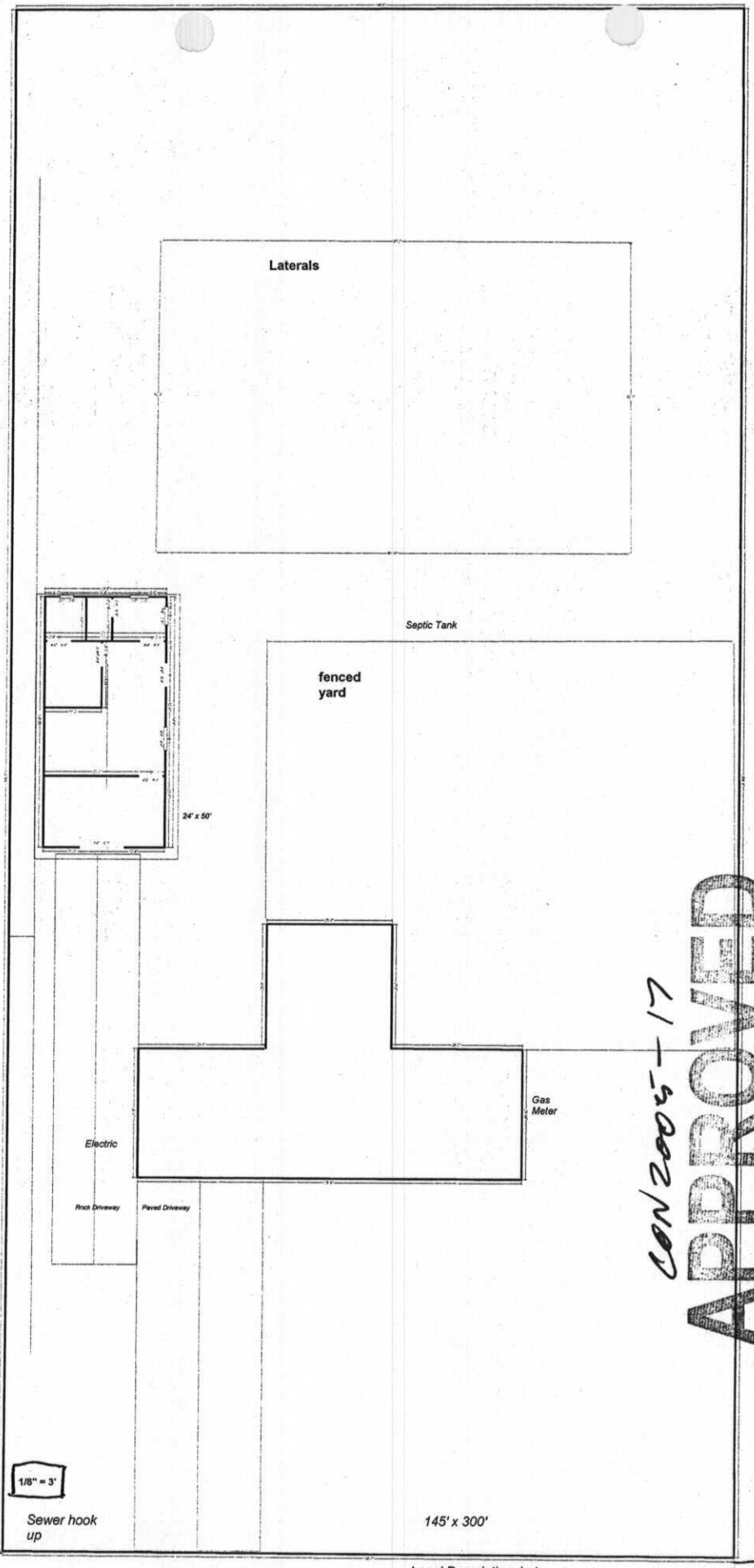
3. The site shall be developed in general conformance with the approved site plan.

4. The primary residence and accessory apartment shall be connected to the local sanitary sewer prior to being issued a certificate of occupancy.

5. Construction of improvements shall be completed within one year of approval of the Conditional Use.

6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

CON2005-17




CON2005-17
APPROVED
SITE PLAN
Michael L. Lee Dist
Date: 7-13-05

Legal Description: Lot 17, Evergreen Place

Owners: Michael & JoAnn Frye

5. Construction of improvements shall be completed within one year of approval of the Conditional Use.

6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is residential. All properties surrounding the subject property are zoned "SF-5" Single-family and are developed with single-family residences; "B" Multi-family zoned apartments exist at the south end of the block. Given the size of the subject property and surrounding properties, the proposed accessory apartment is compatible with the zoning, uses, and character of the neighborhood.

2. The suitability of the subject property for the uses to which it has been restricted: The site could continue to be used for a single-family residence. Accessory apartments are allowed as a "Conditional Use" in SF-5 provided the applicant and the site meet the specified criteria. The applicant and the site meet the criteria so long as the accessory apartment remains subordinate in size and remains as a single hook-up for water and sewer services.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects on surrounding properties should be minimized by the depth of the lot, and the size of surrounding lots. The placement of the accessory apartment meets zoning setback requirements, and will have the appearance of a detached garage, similar to others in the immediate area.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate "urban residential" development. Two dwelling units on the application area are considered "low density residential." The Unified Zoning Code makes specific provision for accessory apartments in "SF-5". This application as recommended for approval complies with all the provisions outlined in the UZC for accessory apartments.

5. Impact of the proposed development on community facilities: The request should have a minimal impact on community facilities. Connection to the local sanitary sewer will ensure that increased residential use on the site will not have a negative effect on surrounding properties.

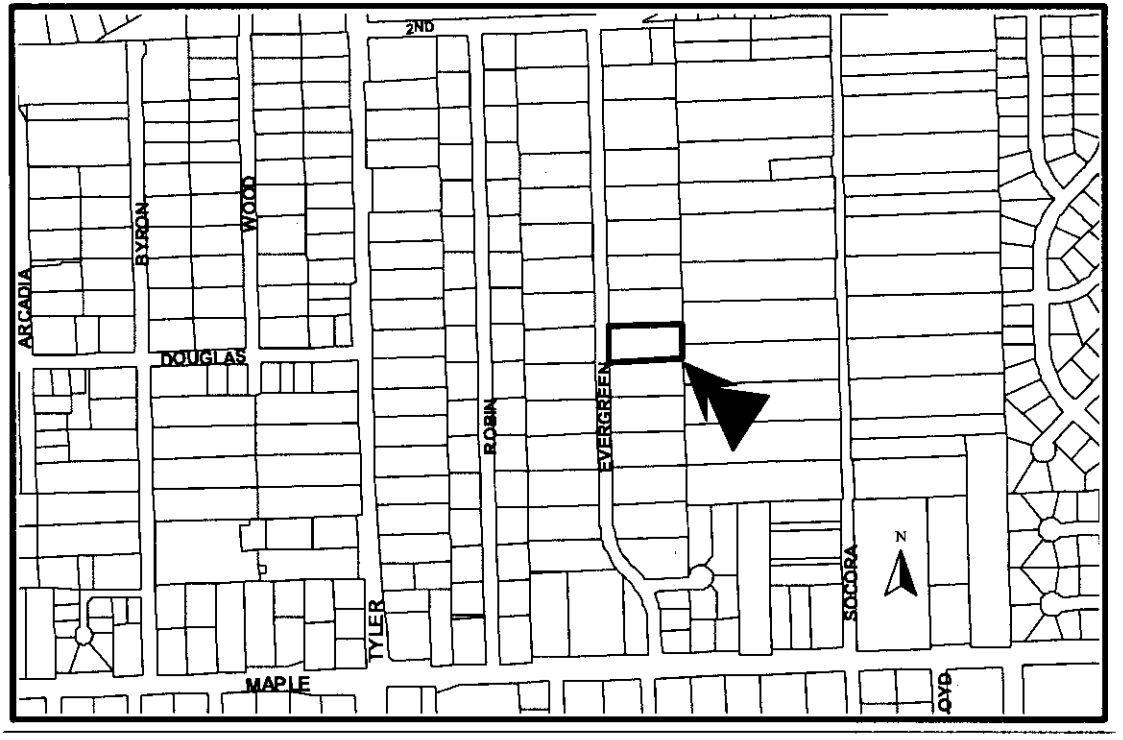
WICHITA—SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 12

# STAFF REPORT

MAPC, June 9, 2005

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|---|---|
| CASE NUMBER: | CON2005-00017 |
| APPLICANT/OWNER: | Michael and Jo Ann Frye (Owner/Applicant) |
| REQUEST: | Conditional Use for an accessory apartment |
| CURRENT ZONING: | "SF-5" Single-family Residential |
| SITE SIZE: | 1.2 acres |
| LOCATION: | North of Maple and east of Tyler (100 S. Evergreen) |
| PROPOSED USE: | Accessory apartment for applicant's father |



**BACKGROUND**: The applicant requests a Conditional Use to allow an accessory apartment on a 1.2-acre platted lot zoned "SF-5" Single-family Residential and located at 100 S. Evergreen. The applicant indicates that an elderly father would occupy the apartment.

The character of the surrounding area is residential. All properties surrounding the subject property are zoned SF-5 and developed with single-family residences. Most residential lots on this block and the block to the east are large, generally exceeding 1 acre in size. Lots one block to the west are closer to standard urban size. Three multi-family residential units exist on Evergreen at the Maple intersection; these units are zoned "B" Multi-family.

An accessory apartment is defined as a dwelling unit that may be wholly within or detached from a principal single-family dwelling unit. A dwelling unit includes provisions for sleeping, cooking, eating and sanitation. A Conditional Use is required to permit an accessory apartment in the "SF-5" Single-family zoning district. Section III-D.6.a. of the Unified Zoning Code (UZC) has the following requirements for an accessory apartment:

(1) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;

(2) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;

(3) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium; and

(4) Water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

The applicant submitted the attached site plan illustrating the location of the proposed detached accessory apartment, at the end of an existing driveway. The accessory apartment is proposed to be located behind the house, and will share access from Evergreen with the primary residence.

**CASE HISTORY**: The property was platted in the county as Lot 17 of the Evergreen Place Addition in 1947.

**ADJACENT ZONING AND LAND USE**:

| | | |
|---|---|---|
| NORTH: | "SF-5" | Single-family residences |
| SOUTH: | "SF-5" | Single-family residences |
| EAST: | "SF-5" | Single-family residences |

WEST: "SF-5" Single-family residences

**PUBLIC SERVICES**: The subject property and proposed apartment have access to S. Evergreen. S. Evergreen is an unpaved residential street with a 60-foot right-of-way. The subject property is not connected to public sewer, although a sewer line exists near the northwest property line. The site currently uses a septic and lateral on-site sewage system. No impacts on public services are anticipated.

**CONFORMANCE TO PLANS/POLICIES**: The Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "urban residential" development. Given the size of the site, two dwelling units on the application area are considered "low density residential." The policies of the Unified Zoning Code (UZC) allow one accessory apartment to be associated with a principle dwelling as a "Conditional Use" if the proposed use is compatible with the principle dwelling, is in character with the surrounding residential development, is accessory to the main structure, remains in a single ownership, and obtains water and sewer service from the main dwelling hook-up. As recommended for approval, the subject property conforms with adopted policies.

**RECOMMENDATION**: The application area is zoned SF-5, as is most of the surrounding residential neighborhood; B zoned multifamily units exist on the same street, at the Maple intersection, over 800 feet south of the site. The supplementary conditions of the UZC, along with building code requirements should ensure that the proposed accessory apartment is compatible with the surrounding residential neighborhood. The site plan indicates that the accessory apartment garage door will face Evergreen, giving the appearance of a detached garage, similar to others in the immediate area. Because an accessory apartment would increase density and water use on the site, staff recommends that the primary residence and proposed apartment hook up to the existing sanitary sewer line immediately west of the site.

Based upon information available prior to the public hearing, staff recommends that the request be APPROVED, subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a. of the Unified Zoning Code.

2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.

3. The site shall be developed in general conformance with the approved site plan.

4. The primary residence and accessory apartment shall be connected to the local sanitary sewer prior to being issued a certificate of occupancy.